

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

VICTOR LIVERMON,

Petitioner,

v.

Civil Action No. 3:19CV324

HAROLD W. CLARKE,

Respondent.

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order entered on May 10, 2019, the Court directed Petitioner to complete and return, within fifteen days of the date of entry thereof, an affidavit in support of his request to proceed *in forma pauperis* or pay the \$5.00 filing fee. More than fifteen (15) days have passed and Petitioner has not returned the required *in forma pauperis* affidavit.

Petitioner has failed to pay the assessed fee or adequately explain any special circumstances warranting excuse from payment. Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability will be DENIED.¹

An appropriate Order shall issue.

Date: June 3, 2019
Richmond, Virginia


M. Hannah Lauck
United States District Judge

¹ An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability ("COA"). 28 U.S.C. § 2253(c)(1)(A). A COA will not issue unless a prisoner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n. 4 (1983)). Petitioner fails to meet this standard.